

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

JOAQUIN L. GIBSON,

Plaintiff,

vs.

BERNICE ENCINAS, *et al.*,

Defendants.

Case No.: 3:21-CV-00476-RCJ-CSD

**ORDER OF DISMISSAL WITHOUT  
PREJUDICE PURSUANT TO FRCP 4(m)**

The Court filed the Notice of Intention to Dismiss Pursuant to FRCP 4(m) (ECF No. 33) on March 13, 2023. Plaintiff was ordered to provide the Court with proof of service as to the following party: **BERNICE ENCINAS** on or before April 12, 2023.

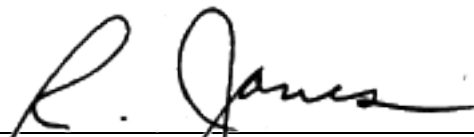
Before dismissing the action, the district court is required to weigh several factors: (1) the public's interest in expeditious resolution of litigation; (2) the Court's need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of cases on their merits; and (5) the availability of less drastic sanctions." *Ghazali v. Moran*, 46 F.3d 52, 53 (9<sup>th</sup> Cir. 1995) (internal citations and quotations omitted). All five factors point in favor of dismissal.

1 Plaintiff has failed to show good cause why this action should not be dismissed without  
2 prejudice for failure to file proof of proper service with this Court pursuant to FRCP 4(m) and  
3 failure to comply with the Notice of Intention to Dismiss (ECF No. 33).  
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5 IT IS HEREBY ORDERED that this action is **DISMISSED WITHOUT PREJUDICE**  
6 to Defendant: **BERNICE ENCINAS** for Plaintiff's failure to comply with the Court's Notice of  
7 Intention to Dismiss (ECF No. 33) pursuant to FRCP 4(m).  
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9 IT IS SO ORDERED.

10 Dated this 25<sup>TH</sup> day of April 2023.

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14 ROBERT C. JONES  
15 United States District Judge  
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